

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-8 are pending in this application. By this Amendment, claims 1, 5 and 8 are amended. Support for amended claim 1 may be found in originally filed claims 5 and/or 8. No new matter is added.

**Double Patenting Rejection**

Claim 1 is provisionally rejected on the ground of nonstatutory double patenting over claim 1 of co-pending Application No. 10/567,136, and further in view of U.S. Patent Publication No. 2003/0033418 ("Young"). Applicants respectfully traverse this rejection for the reasons discussed below.

As held in MPEP 804(I)(B)(1):

If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer.

Applicants note that a Terminal Disclaimer for the above co-pending Application No. 10/567,136 has been filed therein. Further, since the PCT filing date of the co-pending Application No. 10/567,136 is later than that of the instant application, it is submitted that a double patenting rejection has been addressed.

Notwithstanding the above, Applicants note that a Terminal Disclaimer will be filed once both applications have matured into a U.S. Patent. Therefore, Applicants submit that the provisionally rejection be withdrawn, or held in abeyance and only re-

instituted once the claim scope of allowed claims in this or the other application has been indicated by the Examiner.

**Claim Rejections - 35 U.S.C. § 103**

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,146,410 ("Akman") in view of U.S. Patent Application Publication No. 2002/0150221 ("Carson") as well as U.S. Patent Application Publication No. 2003/0093563 ("Young"). Applicants respectfully traverse this rejection for the reasons discussed below.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), all of the claim limitations of the rejected claims must be described or suggested by the cited document(s).<sup>1</sup> Applicants respectfully submit that the cited documents do not meet this criterion, because no modification of the Akman, the Carson and the Young references will describe or suggest all of the claim limitations of rejected claims 1-8, and therefore, a *prima facie* case of obviousness has not been established.

In the outstanding Office Action, the rejection is based on an assertion that the combination of references of Akman, Carson and Young taught the claimed invention of claim 1. *See Office Action mailed September 29, 2009, paragraphs 30-93.*

Applicants respectfully disagree.

For example, claim 1, as amended, recites, a method for realizing signaling agent based on a media gateway control protocol, comprising, *inter alia*:

creating or modifying a corresponding media forwarding port and a forwarding table on the agent equipment after receiving a signaling for establishing or modifying a connection sent to a media gateway

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<sup>1</sup> See *In Re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). See also MPEP § 2143.03.

from the media gateway controller, replacing relevant information on media in the signaling with information on corresponding network address of the media forwarding port on the agent equipment, and then forwarding the signaling to the media gateway.

Applicants respectfully submit that the proposed combination of references does not disclose or suggest the above features.

In an example, non-limiting embodiment of the claimed invention, the media forwarding port and forwarding table may be created on the agent equipment in real time after receiving a signaling for establishing a connection sent to MG from the MGC, so that the signaling can be forwarded by the agent equipment, and afterwards the media forwarding port and forwarding table can be modified or released according to a connection modification or release signaling sent by the MGC (*see, e.g., page 7, line 17 to page 8, line 19 of the instant disclosure*).

However, it is submitted that the Akman reference discloses the NAT table of firewall/NAT 160 is preconfigured and maintained ceaselessly, and all IP addresses of the MG in other networks are stored in the NAT in advance before the transaction between MGC and MG. Therefore, Applicants respectfully submit that the Akman reference fails to suggest or teach the features as taught by claim 1.

In regard to the Carson reference, paragraph [0026] of Carson discloses that:

[a] resulting response from the gateway 12 confirms creation of the required connection to the endpoint p1 @rgw01 and provides an SDP description of this connection, including the IP address (208.1.2.3) and the RTP port (48) to be used.

However, Applicants respectfully submit that the “RTP port” in Carson is **not** equivalent to the “media forwarding port,” as taught by the claimed invention. From the cited portion in paragraph [0026] of Carson, one skilled in the art would appreciate that

the "RTP port" is **not** a port for forwarding a signaling, but instead, a media transmission port. Moreover, it is submitted that the RTP port is **not** real-time created, but selected from available ones, as shown in FIG. 5 of Carson. Therefore, Applicants respectfully submit that the Carson reference fails to suggest or teach the features as taught by claim 1.

In regard to the Young reference, paragraph [0080] of Young discloses:

[f]or each of the MAND LAN 30 and WAN 10 IP addresses, the MAND maintains a database map of corresponding IP addresses, public TID and ports that are receiving and transmitting RTP or RTCP packets and how those packets are forwarded by the opposite MAND IP address interface... the ports and IP address table must be revised and ready to transmit RTP or RTCP packets....

However, Applicants respectfully submit that the port/IP address look-up table herein is **not** equivalent to the "forwarding table," as taught by the claimed invention. From the cited portion in paragraph [0080] of Young, one skilled in the art would appreciate that the port/IP address look-up table is not specially for forwarding a signaling, but instead, a "NAT" (as similarly discussed in the background art of the instant application) based mapping table for RTP/RTCP packet transmission. Moreover, it is submitted that the look-up table is not situated in an agent equipment for signaling forwarding. Therefore, Applicants respectfully submit that the Young reference fails to suggest or teach the features as taught by claim 1.

Further, Applicants respectfully submit that the Young reference fails to disclose or suggest the transaction number replacement step to be performed only for a MGCP/MEGACO signaling (not related to media) sent **"from the media gateway to the media gateway controller"** (singular direction).

In contrast, the Young reference discloses that the transaction ID replacement step is performed whenever a packet is sent from LAN to WAN or vice versa (see e.g., steps "1212" and "1238" in FIG. 6 of Young). In other words, Young discloses *transaction ID replacement steps are performed during packet transmission in both directions*.

Moreover, Applicants respectfully submit that the Young reference discloses the "session ID" has to be noted when a SDP packet is received (see FIG. 6 of Young). Contrarily, the "session ID" feature is not required in the scheme of claim 1. Therefore, although the Young reference discloses information transmission across different types of networks with transaction number/ID used, it is submitted that the schemes are completely different and performed in a different manner (i.e., the scheme of claim 1 is evidently simpler to implement).

Further, Applicants respectfully submit that the Akman, the Carson and the Young references, individually or in any combination, fail to suggest or teach "replacing relevant information on media in the signaling with information on corresponding network address of the media forwarding port on the agent equipment," as recited in claim 1.

Example embodiments of the present invention disclose implementing the forwarding of the signaling from the MGC by the agent equipment utilizing the media forwarding port and forwarding table. By such a configuration, it provides a method for realizing signaling agent, which solves the technical problem that the conventional agent realizing method (i.e., based on NAT which can not implement transparent traversing and increases the complexity of call services of the MGC).

Hence, since the combination of Akman, Carson and Young fail to suggest or

teach a technical feature related to real-time creation of a media forwarding port and forwarding table as discussed above, it is **impossible** for the combination of references to suggest or teach a technical feature related to the use of the media forwarding port and forwarding table.

For instance, Applicants respectfully submit that the Carson reference discloses replacing an RTP port number in a MDCX message in response to receiving a CRCX signaling message (see FIG. 3), whereby one skilled in the art would appreciate that it is **not** equivalent to “replacing relevant information on media in the signaling with information on corresponding network address of the media forwarding port on the agent equipment,” as recited in claim 1. That is, the step in Carson is irrelevant to signaling forwarding, but for media transmission between endpoints (see e.g., paragraph [0027] of Carson). Moreover, this step does not disclose a replacement with information on network address of the media forwarding port. Further, the step in Carson is not performed by an agent equipment between a MG and a MGC. Thus, the steps in the Carson reference are essentially different from the features as taught in claim 1. Furthermore, the Akman and the Young references are completely silent as well in respect to the above features.

Since the rejection fails to disclose or suggest each and every element of the rejected claims, Applicants respectfully submit that no *prima facie* case of obviousness has been established with respect to claim 1.

Further, in order to establish a *prima facie* case of obviousness, the Examiner must establish that it would have been obvious for one of ordinary skill to have combined the teachings of the cited documents.<sup>2</sup> One way to establish this would be to show “some articulated reasoning with some rationale underpinning to support the

legal conclusion of obviousness” and “identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.”<sup>3</sup> Furthermore, the Examiner must make “*explicit*” this rationale of “the apparent reason to combine the known elements in the fashion claimed,” including a detailed explanation of “the effects of demands known to the design community or present in the marketplace” and “the background knowledge possessed by a person having ordinary skill in the art.”<sup>4</sup>

It is respectfully submitted that the Examiner has not met these criteria. For example, the Examiner asserts that:

[a]t the time of the invention it would have been obvious to one of an ordinary skill in the art at the time the invention was made to modify the system of Akman...to provide reliably routing of commands and responses between media gateways utilizing an MGCP protocol.<sup>5</sup>

[a]t the time of the invention it would have been obvious to one of an ordinary skill in the art at the time the invention was made to modify the combination of Akman and Carson...to provide security for communication media streams such as voice traffic over a network.<sup>6</sup>

However, it is respectfully submitted that the above statements are merely conclusory and do not comprise an “*explicit rationale*” as required by *KSR Int’l*. Therefore, because the Examiner has not provided an explicit analysis as required by *KSR Int’l*, a *prima facie* case of obviousness has not been established. Moreover, the Akman, the Carson and the Young references do not disclose the above distinguishing technical features of claim 1, and do not give any technical teachings to solve the technical problem that is solved by

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<sup>2</sup> See *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. at 398, 82 USPQ2d at 1396 (2007).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> See Office Action mailed September 29, 2009, paragraphs 42-44.

the present invention. Further, the features as taught by claim 1 are not common general knowledge.

Therefore, there is no teaching in the prior art as a whole that would have prompted the person skilled in the art, faced with the above technical problem, to modify, adapt or combine the Akman, the Carson and the Young references while taking account of that teaching, thereby arriving at the technical scheme of claim 1 with the above distinguishing technical features.

In view of the above, Applicants respectfully submit that one of ordinary skill in the art would not have combined the teachings of the Akman, the Carson and the Young references in the manner used to reject the claims, and that the proposed combination of the Akman, the Carson and the Young references fails to teach or suggest all of the elements of amended claim 1. Thus, no *prima facie* case of obviousness has been established. Accordingly, claim 1 is allowable over the Akman, the Carson and the Young references. Dependent claims 2-8 depend from claim 1 and are allowable for at least the reasons that claim 1 is allowable. Therefore, Applicants respectfully request that the rejection of claims 1-8 under 35 U.S.C. § 103(a) be favorable reconsidered and withdrawn.

#### **CONCLUSION**

In view of the above remarks and amendments, Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is

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<sup>6</sup> See Office Action mailed September 29, 2009, paragraphs 51-53.



respectfully requested. Further, the above remarks demonstrate the failings of the outstanding rejections, and are sufficient to overcome the rejections. However, these remarks are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied prior art. Accordingly, Applicants do not contend that the claims are patentable solely on the basis of the particular claim elements discussed above.

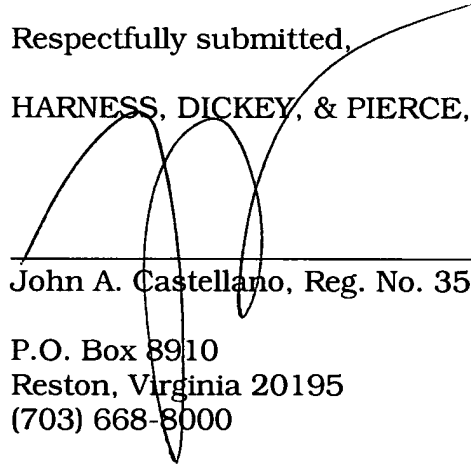
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
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